

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER

|                               |   |                     |
|-------------------------------|---|---------------------|
| SCIOTO CONSTRUCTION, INC.,    | ) |                     |
|                               | ) |                     |
| Plaintiff,                    | ) | Case No. 4:99-cv-83 |
|                               | ) | Judge Edgar         |
| v.                            | ) |                     |
|                               | ) |                     |
| ANTHONY R. MORRIS d/b/a M & M | ) |                     |
| DRYWALL COMPANY               | ) |                     |
|                               | ) |                     |
| Defendant.                    | ) |                     |

**ORDER**

On February 23, 2007, plaintiff Scioto Construction, Inc. made a motion for the Court to order defendant Anthony R. Morris d/b/a M&M Drywall Company to show good cause why defendant should not be held in civil contempt and to award plaintiff monetary sanctions against defendant. [Doc. No. 47]. The motion was referred to Magistrate Judge Susan K. Lee for a report and recommendation. [Doc. No. 48].

On May 9, 2007, Magistrate Judge Lee submitted her report and recommendation. [Doc. No. 52]. The parties have not timely filed any objections. After reviewing the record, the Court **ACCEPTS** and **ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

Accordingly, the Court finds that defendant is in civil contempt for his failure to comply with the order entered by this Court on January 9, 2007. [Doc. No. 45]. Defendant is hereby sanctioned and punished for his civil contempt by the assessment and imposition of a fine in the amount of \$100.00 per day beginning on June 18, 2007, up to a maximum of fifteen (15) days, until such time as defendant complies with the January 9, 2007, order and he provides full, complete answers to the plaintiff's post-judgment interrogatories. Defendant shall pay the fine of \$100.00 per day to the

Clerk of the United States District Court for the Eastern District of Tennessee, Room 309, United States Courthouse, 900 Georgia Avenue, Chattanooga, Tennessee 37401, (phone number 423-752-5200).

Furthermore, in the event that at the end of said fifteen days defendant remains in civil contempt of this Court by continuing to fail or refuse to answer the plaintiff's post-judgment interrogatories, and upon the plaintiff's written certification of such failure, the Court shall order that defendant be arrested and incarcerated until such time as defendant purges himself of civil contempt by providing answers to the plaintiff's post-judgment interrogatories.

Plaintiff is awarded \$781.58 in reasonable attorney's fees and expenses incurred by plaintiff in connection with its motion to show cause and for sanctions. [Doc. No. 47]. Defendant shall pay said \$781.58 to the plaintiff's counsel of record, attorney Todd E. Panther, at the law firm of Tune, Entrekin & White, P.C. , AmSouth Center, Suite 1700, 315 Deadrick Street, Nashville, Tennessee 37328-1700. In addition, defendant shall also pay plaintiff sanctions in the amount of \$1,189.50 as previously ordered by the Court on January 9, 2007. [Doc. No. 45].

The Clerk of the District Court shall mail copies of this order to defendant at each of the defendant's five addresses set forth in the certificate of service attached to the affidavit of attorney Todd Panther. [Doc. No. 50 at 4].

SO ORDERED.

ENTER this the 7<sup>th</sup> day of June, 2007.

/s/ R. Allan Edgar  
R. ALLAN EDGAR  
UNITED STATES DISTRICT JUDGE